

TILTS WITH THE LAW

Cases Referred to the District Court of Silver Bow County.

MUCH IN NEED OF A REMEDY

Jurisdiction of Justices' Courts in Criminal Matters—A Cause of Needless Expense—Divorce Proceedings.

BUTTE, April 29.—In the criminal court this morning the appeal case of James Dunstan and William Henderson was called for trial, but the assistant prosecuting attorney announced that after investigating the matter he concluded that the state had no cause for action, and besides, the prosecuting witness, William Thomas, had decamped. Upon that ground he asked that the case against the defendants be dismissed and their bail exonerated, which was done. Several months ago Dunstan and Henderson met Thomas in a saloon and put up a practical joke on him. They unfolded to him a great mining scheme, and represented that they had struck one of the greatest leads in the camp and had stocked the mine. They told a great story and named a number of prominent men who were interested in it, and then they offered Thomas several shares of stock for \$6. He put up the cash and they blew it in for drinks and laughed at their victim. The latter insisted on seeing the "lead" and they took him to it and he found it leading to a place not expected by him. Thomas made a kick and swore to a complaint in Judge Eddy's court charging Dunstan and Henderson with obtaining money under false pretenses. They returned the \$6, but the court fined them anyway and they took an appeal.

In dismissing the case this morning, Judge Pendleton said that if he is alive when the next legislature meets he intends to make an effort to have a law passed making it a misdemeanor for any justice to bring a criminal action without first consulting the county attorney. He said that notwithstanding repeated instructions from the courts and county commissioners, all justices will insist on commencing criminal suits upon the most flimsy and foolish excuses. All a man has to do is to make a complaint, and instantly an action is begun against some one and 40 witnesses subpoenaed. Of course, the defendant, if convicted, takes an appeal to the district court, and the county attorney and judge not knowing anything about the merits of the action, set the case for trial and as soon as it is looked into is dismissed on motion of the prosecuting attorney, and the cost is taxed to the county, \$72 of which goes to the jury. At the present term of court there have been a dozen, similar in nature to the one dismissed this morning, and which should in the first place have been civil actions between the parties instead of being a criminal suit. The blame is entirely with the justices, who have too much confidence in their own legal learning instead of consulting the county attorney.

Divorce Proceedings.

The referee in the divorce case of Dora Shaul against Charles J. Shaul filed his report this morning. The plaintiff testified that she is 18 years old and lives in Walkerville. She was born in Butte and was married to the defendant on June 1, 1891. Judge Muldoon officiating. They lived together just two months, and on August 19 he deserted her. He told her that he was going away and would never live with her again. Soon after that he left for Colorado and his wife has not heard from him since. From the time he left her she has been supporting herself by working in a hotel at Walkerville. She says she never gave him any cause to desert her and he did so against her will and expressed wish. Her maiden name was Dora Humphreys and she asked that he be restored to her.

Mrs. Elizabeth Johns substantiated the testimony of the plaintiff. The defendant had also informed her that he was going to leave his wife but gave no reason for it. Evan Herbert testified to the same effect and the court signed a decree of divorce. Charles O'Donnell, attorney for the defendant in the divorce case of Eloise Cote against Alfred Cote, filed a demurrer to the complaint on the ground that it did not state sufficient facts to constitute a cause of action and that it is ambiguous, uncertain and unintelligible.

In Department 1.

The verdict of the jury in the case of Andrew Redoni against Constable Lytle and his bondsmen for \$1,200 damages, was opened this morning and was in favor of the plaintiff for \$1,500. Redoni was represented by Charles O'Donnell. The suit was for the possession of the People's restaurant which had been attached by Lytle for a claim held by Williams & Saville against the former proprietors, Brennan & Rodney. The court for defendant gave notice of motion for a new trial.

The case of Lee Mantle et al. against C. P. Brennan et al., which had been set for trial today, was continued until June 25.

A case in which John F. Cowan and others are plaintiffs and Leo Cassett defendant was tried before Judge McHatton today, a jury having been waived. Cowan sued to recover \$1,500, claimed to be due on a verbal promise for securing a loan. The defendant's story is that he has for some time had a patent for a certain plaster claim which was afterwards jumped by the plaintiffs as a quartz claim, and called it the Gladstone, and the contract over the land is now pending in the land office at Helena. Cassett wanted to secure the loan of \$7,500 from the State's Savings bank, but the bank would not advance the money on the property owing to the cloud on the title. F. E. W. Patten, claiming to represent Cassett, made arrangements to remove the cloud and Cowan thereafter signed his interest to the bank upon an alleged understanding that he should have a second mortgage on the property for \$1,500. The deed conveying his interest to Cassett was made and filed for record and Cassett got the \$7,500 loan, but refused to give his note or second mortgage for the \$1,500, claiming that he had made no such agreement and was not a party to it. He also says that he agreed to pay only 1 1/2 per cent. per month on the \$7,500, but he afterwards learned that he had been induced to sign a note for 2 per cent. A number of witnesses were examined on both sides. Corbett & Wellcome appeared for the plaintiffs and Sirophshire & Wines for the defense. Judge McHatton took the case under advisement.

"LITTLE PUCK."

Frank Daniels will entertain Butte Theater Goers.

BUTTE, April 29.—The reign of farce comedy in this country is a source of much discussion among the thoughtful workers and writers in the dramatic field. It appears just now to be the most popular as well as the most prosperous form of entertainment on this continent. The taste of the public may change soon, as a matter of course, but the probability is that we will always have this style of farcical plays with us. One or two of the

present farce comedies are really worthy to live. Frank Daniels' "Little Puck," which comes to Maguire's opera house the first three nights of next week, for instance, is a cleverly constructed skit. Founded on Ancey's story, "Vice Versa," it tells a fantastic tale in the most straightforward and ludicrous manner. Unlike most all the prevalent farces, "Little Puck" has a very good plot indeed, and its success is not to be wondered at. To be sure it has had the benefit of presentation by Mr. Daniels, whose droll and original comicality would make a success of almost any play; but aside from this important advantage the farce is in itself a good one.

IN POLICE COURT.

Had People Arraigned Before Judge McMurphy.

BUTTE, April 29.—Nelson Lewis got into a learned argument with Paul Foster last night and because Foster would not be convinced he proceeded to hammer him into conviction. Foster objected to this and had Lewis arrested. The latter was arraigned in the police court to-day and pleaded guilty to assault and battery. He paid \$10 and costs.

Edward Legrande and P. Leurell got into a controversy, and to decide who was in the right they resorted to bodily violence. Both were arrested on a charge of assault and battery. Legrande pleaded guilty and was fined \$10 and costs. Leurell decided to stand trial to settle the question of his guilt or innocence.

John Young, Bert Crove and John Schuit were found guilty of vagrancy and each fined \$10 and costs.

F. D. Dixon, J. M. Dixon and F. Criten, a trio of Seattle toughs who arrived only a few days ago from the coast, were fined \$25 and costs and each given time to leave the city.

Tom Rice, Charles Mattison, Tom McCarthy, John Riley and H. Moran, arrested on suspicion of having burglarized Mrs. Cammack's lodging house, were arraigned before Judge McMurphy to-night for preliminary examination. Owing to the absence of witnesses the cases were continued until next Thursday evening at 7 o'clock. In default of bonds the defendants were remanded. Lake Arlington, the hackman, accused of being an accessory to the crime, pleaded not guilty and his examination was set for the same time.

John White, arrested this afternoon for stealing an overcoat from the Capitol lodging house, entered a plea of guilty to petty larceny and was sent up for 30 days.

"Curley" Manley and "Fish" Curley, two notorious characters, pleaded not guilty to charges of vagrancy. "Fish" will be tried to-morrow and "Curley" Monday.

T'WAS A SUCCESS.

Thousands View the School Exhibit at Renshaw Hall.

BUTTE, April 29.—Nearly 5,000 people visited the public school exhibit at Renshaw hall yesterday and today, and a great many more wanted to go after the exhibit closed this evening. The success of the affair has been an agreeable surprise to both teachers and pupils, and Professor Riley thinks a similar exhibit should be held semi-annually. It would certainly be profitable to the schools and parents can in no other way so well see and appreciate the advancement made by their children.

As an expression of their feeling, the teachers held a meeting this morning and adopted the following resolutions:

We, the teachers of the schools of District No. 1, Silver Bow county, feeling our obligations to the public, beg leave to submit the following:

Resolved, First—That we thank the board of trustees for their kind support, sympathy and interest in helping to make the exhibit a success.

Second—That we tender our thanks to Clerk Rice for his untiring efforts and energy.

Third—To thank the young ladies of the High school who furnished the entertaining musical programme.

Fourth—We tender our kindest regards to the public for their interest manifested, hoping that it may arouse true and just criticism and cause the patrons to visit the various rooms and see the regular class work.

Fifth—We also desire to thank the citizens who furnished flowers, and the merchants for the use of their stores for decorations.

Sixth—That we very highly appreciate the kind and generous notices given us by the various newspapers of the city, and further, that a copy of these resolutions be furnished each of them for publication.

CRUELTY TO ANIMALS.

A Teamster Arrested for Abusing His Team.

BUTTE, April 29.—At last one of the inhuman drivers who are permitted to have charge of teams in about the city stands in a fair way of being punished for his cruelty. A fellow named Joe Coppen, who drives an ore wagon at Meaderville, was arrested this afternoon on a warrant issued by Judge Eddy charging him with cruelty to animals. The complaint was sworn to by Joseph Lazzari, deputy sheriff at Meaderville. He said that Coppen was working a team composed of a horse and a mule, and that owing to overloading and the lack of proper care, the shoulders of the unfortunate animals had become sore and festored wherever the collars touched them. Numerous complaints had been made to him before he decided to proceed against Coppen, thinking that the complaints were exaggerated, but to-day he made an examination of the team and concluded that it was time to interfere. Coppen gave bonds for his appearance to-morrow.

GETTING PLENTY OF IT.

Water Rights Taken Up in Gallatin for the Anaconda Company.

From the Roseman Avant Company. James MacFarlane, chief engineer of the Anaconda Mining company, filed a notice of water right last Saturday for 60,000 inches of the water of the Madison river, in Gallatin county. The place of intended use is stated to be at Three Forks, and the principal use the development of power for manufacturing purposes and for water works supply, irrigation and all other useful purposes.

The point of intended diversion is near the center of section 25, about five miles southeast of the Three Forks depot; the course of the canal is northwesterly, and the place of intended use for the development of power is stated to be in section 31, the section lying southeast of the depot. The construction of the canal was commenced April 14, and it is to be 50 feet wide on the bottom and to flow eight feet deep.

Real Estate Transfers.

BUTTE, April 29.—The following transfers were recorded in the office of the county recorder since our last report:

Frank E. Shaw, administrator, to William H. DeWitt, one-fifth interest in the Neptune lode claim	\$ 60 00
Frederic M. Fisk to Josephine Vaughn, the west 50 feet of lot 7, block 51, Butte townsite	200 00
Franklin Farrel to Robert D. Grant et al., lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, block 1, and lots 1, 2 and 3, block 2, and lots 4 and 5, block 3, Farrel's addition	1 00
Charles R. Kessler to Oscar H. Baum, lot 2, block A, Belle of Butte addition	2 00
W. H. DeWitt and wife to Joseph H. Walker, one-fifth interest in the Neptune lode claim	1,000 00
George W. Walker, his share's deed under execution, to Bertie Beckwith, the Copper King, Forest lode and Copper Matte lode claims	475 75

WORK OF THE COUNCIL

Another Meeting of the City Fathers Held Last Night.

CONSIDERATION OF BILLS

Cost of Covering Over the Heap Roasts—Talk About a Compromise—Opening Up of Granite Street.

BUTTE, April 29.—The old council held another meeting to-night in an endeavor to finally close up all business before it. In this the aldermen were not completely successful, and they will have another meeting to-morrow evening.

One of the matters that it was desired to settle up was the cost of covering up the Boston & Montana heap roasts last December. The mayor reported that he had a talk with Superintendent Couch this afternoon, and Mr. Couch said his attorney had told him he did not believe the city could hold the company responsible for the bill, but Mr. Couch, nevertheless, was willing to offer \$500 on behalf of the company, and he wanted to know what the city would take. Mr. Couch and his attorney, Mr. Stapleton, had thought this a very liberal offer, as the bill was vastly in excess of what it should have been for the work done. To uncover the heaps again it had cost the company only \$153, and Mr. Couch said the company positively would not pay the entire amount. If the city would make a reasonable offer, it would be submitted to the company at Boston. The mayor said there was no doubt that the cost of covering the heaps was greater than it should have been, for he had to send all the men possible down in order to pacify the people. The mayor, however, did not consider \$500 by any means a reasonable basis of settlement.

Alderman Dugan moved that the city offer to settle with the company for two-thirds the face of the bill. Barret offered an amendment that the city compromise for \$1,000 and not a cent less. This was carried.

A petition from the fire companies asking for an increase in the number of fire boxes about the city was referred to the fire committee. The mayor asked the council whether the city should appeal the case of Sweeney vs. the city of Butte. Sweeney had been injured on a sidewalk, had sued the city and had just obtained a judgment of \$1,500. On motion of Barret it was voted to appeal the case.

The mayor reported the matter of the opening of Granite street settled by the payment to Brennan & Colban of \$500 additional, making the total cost \$8,500 instead of \$5,500. This action was ratified. A resolution for the levying of a special tax for the widening and straightening of Arizona street through Hopkins' addition was passed, and May the first is the date for hearing complaints from this vicinity.

The council then adjourned until to-morrow evening.

MAY DAY.

The celebration of May Day, which is always looked forward to by so much anxiety by all Europe and so much interest by all America, dates back to remote ages. Long before Christianity reached the people of Northern Europe, when Woden still reigned supreme in the forests, the people celebrated the return of spring by general rejoicing. For did not mother earth at that time awake from her long slumber, robing fields and forests in meadows and marshes in verdure of green, providing another harvest?

For the proper celebration of that day our fathers thoughtfully provided the best means of winter cheer. And they brewed a strong mead from the choicest barley of the previous year's growth. Much tender care was bestowed on it during the long winter months, and careful observation and thought that it would reach its fullest maturity at the beginning of May. For six months it would be nursed in dark caves beyond warmth and light, where they conducted that mysterious process which Christians taught the Egyptians 3,000 years before Christ, and which God himself taught Noah after the flood, when he did not wish him to drink the water in which so many men had recently been drowned. "Malt Mead" or "May beer" they called it and on May 1 it flowed to high and low, to young and old.

Much has been changed by the Christian era. The old oaks in which the gods dwelt, and under whose branches the Druids sacrificed, are no more. But May beer has survived. It still reigns on the first of May. In the course of centuries it has changed its name, and is now better known by the more vulgar name of beer, which is still given out in Europe on May 1.

True to the old established custom, the Centennial brewery will on May 1 give to the public their famous Bock beer. It is made from the finest Gallatin valley barley and Bohemian hops, and is the finest beer brewed in this country, on account of the moist season of last year. It is the Bock of Bocks, the best ever brewed in this fair land.

Look out for it!

Your Silver is Now all O. K. Our Mr. Mann, who is east, has just shipped us some two thousand pairs of boots and shoes; men's, women's and children's fine and medium, bought at the recent great fire sale in Boston. Now is your chance to buy footwear cheap, at the Famous, the Old Reliable Shoe House, 46 W. Park St., Mont.

Change of Time.

Commencing with Sunday, May 1 Union Pacific fast mail train No. 2 will leave Butte at 3:30 p. m. instead of 4:30 p. m. No. 1 fast mail will arrive in Butte at 1:30 p. m. instead of 2:35 p. m. Montana express will arrive at 5:30 a. m. instead of 6 a. m. No other changes have been made.

Notice of Removal.

Dr. Witherspoon has removed his office from Dr. Whitford's residence to rooms 45 and 46, New Owsley block. Hours, 8:30 to 9:30 a. m., 1 to 3 and 7 to 9 p. m. Residence and hospital, corner of Park and Jackson streets.

For everything in the music line call on or address The Sherman Music company, 225 North Main street, Butte.

Prof. I. Jeffreys, chiropodist and manicurist, Room 6, over red boot shoe store, 13 Main street, Butte.

Piano Tuning.

Leave orders for W. A. Smith at the Sherman Music Co.'s, 225 North Main street.

For Rent.

Fine suit of elegantly furnished rooms. W. D. Fenner, 80 West Broadway, Butte.

Private and chronic diseases treated by Dr. Norcross, new Owsley block.

Masonic pins and charms, "Lays."

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Men's Suspenders,

Men's Boots and Shoes,

Men's Hats and Caps,

Men's Dress Shirts,

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Our regular lines will fully meet your every expectation.

Qualities High, Prices Low.

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